

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA
CHARLOTTE DIVISION**

FILED
U.S. Bankruptcy Court
Western District of NC
AUG 21 2017
Steven T. Seale, Clerk
Charlotte Division
CCN

IN THE MATTER OF:

NAME: JACOBS, SUSAN GAIL WALLACE

CHAPTER 7 NO. 15-31501

**ADDRESS: 3417 Driftwood Drive
Gastonia, NC 28056**

SSN: -----7567

DEBTOR

**GRAY LAYTON KERSH SOLOMON FURR &
SMITH, P.A. (as escrow agents on assignment
From ED WALLACE CONSTRUCTION, INC. in
Trust, and for the benefit of CAREY WALLACE
BUMGARDNER, and CLAY WALLACE),**

PLAINTIFF

Adversary Proceeding: 15-03182

Versus

JACOBS, SUSAN GAIL WALLACE,

DEFENDANT.

MOTION FOR DISCHARGE DUE TO NON-COMPLIANCE WITH COURT ORDER.

Now comes Susan Jacobs, pro se defendant in case of GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. (as escrow agents on assignment From ED WALLACE CONSTRUCTION, INC. in Trust, and for the benefit of CAREY WALLACE BUMGARDNER, and CLAY WALLACE), Versus SUSAN GAIL WALLACE Jacobs, DEFENDANT. I request a motion for sanctions for non-compliance of the Bankruptcy Rule 7016 court order dated May 22, 2017

GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. missed the August 14, 2017 and the August 16, 2017 date to serve any information to defendant until August 18, 2017. GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. received defendant's information on August 7, 2017.

Number 4. "If any party desires to submit a trial brief or other submission of authorities, it must be filed and served on opposing parties no later than the deadline set out in paragraph 3 above. Paragraph 3 date was August 16, 2017 the date mailed, not served.

GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. mailed to my residence in uncertified mailing (I have the dated envelope) and I received information two days after the court ordered date. Upon reviewing the information I realized Mr. Moore had removed his exhibits that proved that as acting executrix I made correct decisions for the good of Ed Wallace Construction, Inc. For example missing from the new evidence was

- A. The 2011 and 2012 tax returns showing a very successful company, which the beneficiaries wanted me to sale, but they did not sale. Plaintiff exhibits 160 and 161.**
- B. The original Form 706 Inheritance Tax Form showing -0- Tax liability dated 11-04-08 and was dated before the “working paper Form 706” dated 12-31-08. “Working paper Form 706” was prepared to show how I was protecting the Estate from unnecessary Inheritance taxes liability of \$584,216. Plaintiff’s Exhibit 87 and Defendant’s exhibit 8. GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. made “working paper Form 706” dated 12-31-08 was prepared before original Form 706 Inheritance Tax Form showing -0- Tax liability dated 11-04-08 making it appear that I lowered the value to protect self from interest and penalty. Check the computer generated dates on both return, -0- liability return was done first.**
- C. Dun and Bradstreet report was missing that was not allowed to be used in any “legal proceeding” per users terms, but was introduced to the jury in Lincoln Country Trial. Exhibit 102**

Actual receipt of the information and documents on August 18, 2017 at 5:30 Friday afternoon, after hours to call court or GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. offices. GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. should understand the need for discovery in a timely manner in order to aid the court to operate smoothly allowing me to prepare my defense with the evidence he pulled.

GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A. also misstated the Certificate of Service in using the term SERVED, I was not served until after the Court Ordered date of August 16, 2017. Actual receipt of information and documents were received on August 18, 2017. This gave me very little time to review, find the missing evidence that I was lead to believe would all be turned in by the plaintiffs and to prepare a defense for the onslaught of information they have.

Due to the plaintiff's non-compliance with any deadlines to defendant, Susan Jacobs, tried very hard to prepare for trial and is under personal hardship to continue this. My husband fell and a spinal cord contusion cause loss of use of left arm. Second fall caused a break in his neck. Personal hardships happen to everyone, but I struggle to properly prepare for a trial where they gave no time to prepare. Under Rule 41 (b) Defendant, Susan Jacobs respectfully request sanctions for **GRAY LAYTON KERSH SOLOMON FURR & SMITH, P.A.** for disregard to court orders and the sanctions requested are:

- A. That the plaintiff's motion for the amount of \$262,689 with interest at the legal rate of 8% per annual from January 8, 2013 plus cost in the amount of \$7,936.29 judgment be denied
- B. That the plaintiff's motion for punitive damages of \$40,000 be denied. (Citing case Mary Angela Spell, plaintiff, vs. Daniel Charles Longenecker, Defendant. Case No. 05-10492-70 Adversary No. 05-2035)
- C. That the court issue costs of the adversary proceeding to defendant debtor since both defendant and plaintiff benefited from the transcripts which

costs and Plaintiff, Gray Layton Kersh Solomon Furr & Smith, PA. and Plaintiff's legal representation should have been aware the consequences of missing deadlines.

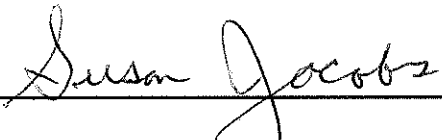
Documentation provided.

1. Lisa A Garrison contract for	\$6,633.00
2. Rose Gates – two checks for	392.00
3. All Professionals Litigation Support Team, Inc.	242.50
4. <u>Jim Henderson Legal fees</u>	<u>13,834.00</u>

Total \$21,101.50

D. That the Defendant have such other and further relief as the Court may deem just and proper.

Submitted this day, August 21, 2017 by


Pro Se Defendant

CERTIFICATE OF SERVICE

This is to certify that the foregoing DEFENDANT'S **MOTION FOR DISCHARGE DUE TO NON-COMPLIANCE WITH COURT ORDER**

to be decided was personally served in United States Bankruptcy Court on August 21, 2017 to the following attorney(s) of record:

David Smith <dsmith@gastonlegal.com
Bill Moore <bmoore@gastonlegal.com
Gray, Layton, Kersh, Solomon, Furr, & Smith, P.A.

516 New Hope Road
P. O. Box 2636
Gastonia, NC 28053-2636
704-865-4400

JAMES H JACOBS
SUSAN W JACOBS
PILTON, NC 27561
SAY BROTHERS
GASTON, NC 28028

6-19-18

PAY One thousand and 00/100 \$1,000.00

Susan Jacobs

144 053101121000511834768600144

CHECK#: 144 \$1,000.00

JAMES H JACOBS
SUSAN W JACOBS
PILTON, NC 27561
SAY BROTHERS
GASTON, NC 28028

AC 3453362 6-20-18

PAY Two hundred seventy-three and 80/100 \$273.80

Susan Jacobs

145 053101121000511834768600145

CHECK#: 145 \$273.80

JAMES H JACOBS
SUSAN W JACOBS
PILTON, NC 27561
SAY BROTHERS
GASTON, NC 28028

7-16-18

PAY Eight thousand eight hundred and 00/100 \$8,895.00

James H. Jacobs

146 053101121000511834768600146

CHECK#: 146 \$8,895.00

JAMES H JACOBS
SUSAN W JACOBS
PILTON, NC 27561
SAY BROTHERS
GASTON, NC 28028

7-14-18

PAY Three thousand six hundred and 00/100 \$3,062.00

Susan Jacobs

LEN-C-04292014 053101121000511834768600147

CHECK#: 147 \$3,062.00

JAMES H JACOBS
SUSAN W JACOBS
PILTON, NC 27561
SAY BROTHERS
GASTON, NC 28028

7-16-18

PAY Nine hundred thirty-two and 00/100 \$932.00

Susan Jacobs

14-073 053101121000511834768600148

CHECK#: 148 \$932.00

000249

To: Garrison, Lisa A.
Subject: Re: Transcript contract

Lisa,

Please let me know asap as I can get copy of transcript to attorney. I am presently in the hospital and will be in rehab for a while, Cellulitis.

Thank you,
Susan

On Wednesday, February 25, 2015 7:19 AM, "Garrison, Lisa A." <Lisa.A.Garrison@nccourts.org> wrote:

Susan,

I wanted to let you know I am working on finishing up the transcript and plan to have it delivered to you the first of next week, the week of March 2, 2015. Per our contract I am to give you seven days' notice of when the transcript will be completed so that you may make the final payment. The final page count of the transcript is going to be no more than 2,211, so the total cost of the transcript is \$6,633. With the deposit of \$3,300 you paid previously, the remaining balance will be \$3,333. As before, you may send the check to the address below.

If you have any questions, please do not hesitate to contact me.

Lisa A. Garrison, RDR, CRR
Official Court Reporter
1224 Sedgewood Lane
Lincolnton, NC 28092
Cell - 828.310.6760
Lisa.A.Garrison@nccourts.org

From: Garrison, Lisa A.
Sent: Sunday, February 08, 2015 10:18 AM
To: JAMES JACOBS
Subject: RE: Transcript contract

Susan,

I just wanted to check in with you and let you know I am on schedule with having the transcript prepared by February 28. I also wanted to check with you to see if Aaron Low had reminded you that I was not there for one morning session of court and another reporter replaced me. Therefore, you will need to order that portion of the transcript from her because it will not be in my transcript. The witness on the stand was Jack Wallace and the date is the morning session of July 2, 2014. Rose Gates was the reporter. Her phone numbers are (cell) 828-387-1089 and (home) 828-733-1602. I'm sorry that I don't have her email address.

Lisa A. Garrison, RDR, CRR
Official Court Reporter
1224 Sedgewood Lane
Lincolnton, NC 28092
Cell - 828.310.6760
Lisa.A.Garrison@nccourts.org

000250

113

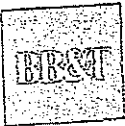
66-112/531

JAMES H JACOBS
PH. 704-864-7682
3417 DRIFTWOOD DR
GASTONIA, NC 28053-9324

Feb. 26, 2015
Date

PAY to the order of Lisa A. Harrison \$ 3,333.00
Three thousand three hundred and thirty three and 00/100 Dollars

Security
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BRANCH BANKING AND TRUST COMPANY
1-800-BANK-BST BBCT.com

For transcript filed pursuant to James H. Jacobs Signature

⑆053101121⑆0005204906795⑈00113

000251

EMERGENCY MEETING

[Signature]

DO NOT WRITE STAMP OR SIGNATURE IN THESE SPACES

1. NAME OF THE PARTY: [illegible]

2. ADDRESS: [illegible]

3. CITY: [illegible]

4. STATE: [illegible]

5. ZIP: [illegible]

6. PHONE: [illegible]

7. FAX: [illegible]

8. E-MAIL: [illegible]

9. DATE OF MEETING: [illegible]

10. TIME OF MEETING: [illegible]

11. AGENDA: [illegible]

12. PARTICIPANTS: [illegible]

13. DECISIONS: [illegible]

14. ACTION ITEMS: [illegible]

15. COMMENTS: [illegible]


53651
66-112/531

MAIN LINE DISTRIBUTORS
3417 Driftwood Dr
Gastonia, NC 28056
Ph. 704-864-7682

DATE 12-8-14

PAY TO THE ORDER OF Lisa A Garrison \$ 3,300.00

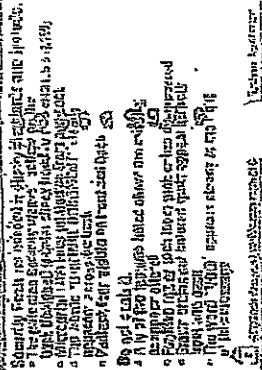
Three Thousand three hundred and 00/100 DOLLARS

 BRANCH BANKING AND TRUST COMPANY
1-800-841-1682 BFT.com

FOR E. Wallace Const. Inc V Susan W Jacobs Lisa Garrison

⑈0005365⑈ ⑆05310112⑆0005296226408⑈

000253



From: JAMES JACOBS [midssm@bellsouth.net]
Sent: Tuesday, December 09, 2014 4:58 PM
To: Garrison, Lisa A.
Subject: Transcript contract

Lisa,

A check and signed contract went in the mail today. Please let me know if there is any problem.

Thanks,

Susan

.00025E

Wed, Mar 4 9:41 PM

Lisa.A.Garrison@nccourts.org

to JAMES JACOBE

cc Chuck Early

RE: Transcript contract

10 files attached ^ Save all



Transcript-Bumgardn...
.pdf 278 KB



Transcript-Bumgardn...
.pdf 509 KB



Transcript-Bumgardn...
.pdf 322 KB



Transcript-Bumgardn...
.pdf 596 KB



Transcript-Bumgardn...
.pdf 598 KB



Transcript-Bumgardn...
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Transcript-Bumgardn...
.pdf 530 KB



Transcript-Bumgardn...
.pdf 786 KB



Transcript-Bumgardn...
.pdf 604 KB



Transcript-Bumgardn...
.pdf 476 KB

Susan:

Please find attached my portion of the transcript in Lincoln County File No. 13-CvS-24, Bumgardner v. Jacobs, heard before Judge Hugh Lewis from June 23, 2014, through July 9, 2014. You should have received ten volumes (files), Volumes I through VI and Volumes VIII through XI. Volume VII is being prepared by Court Reporter Rose Gates and it will be sent to you by her in a separate email. I have copied your attorney on this email with the email address you forwarded to me. Per our rules I will also be sending you a CD with these same files on it via USPS.

If you have any questions or concerns, please do not hesitate to contact me.

Lisa

Lisa A. Garrison, RDR, CRR
Official Court Reporter
1224 Sedgewood Lane
Lincolnton, NC 28092
Cell - 828.310.6760
Lisa.A.Garrison@nccourts.org

From: JAMES JACOBS [mldssm@bellsouth.net]
Sent: Tuesday, March 03, 2015 2:55 PM

000256

Wed, Feb 25 7:19 AM

Lisa.A.Garrison@nccourts.org

to mldssm@bellsouth.net

cc Lisa.A.Garrison@nccourts.org

RE: Transcript contract

Susan,

I wanted to let you know I am working on finishing up the transcript and plan to have it delivered to you the first of next week, the week of March 2, 2015. Per our contract I am to give you seven days' notice of when the transcript will be completed so that you may make the final payment. The final page count of the transcript is going to be no more than 2,211, so the total cost of the transcript is \$6,633. With the deposit of \$3,300 you paid previously, the remaining balance will be \$3,333. As before, you may send the check to the address below.

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Lisa.A.Garrison@nccourts.org

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Sent: Sunday, February 08, 2015 10:18 AM
To: JAMES JACOBS
Subject: RE: Transcript contract

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Official Court Reporter
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Lincolnton, NC 28092
Cell - 828.310.6760
Lisa.A.Garrison@nccourts.org

From: JAMES JACOBS [mldssm@bellsouth.net]
Sent: Tuesday, December 09, 2014 4:58 PM
To: Garrison, Lisa A.
Subject: Transcript contract

Lisa,

000257

A check and signed contract went in the mail today. Please let me know if there is any problem.

Thanks,
Susan

2-10-2017 10:00 AM

2-10-2017 10:00 AM

000258

JAMES H JACOBS
PH. 704-864-7682
3417 DRIFTWOOD DR
GASTONIA, NC 28056-9324

119
65-112/531

3-5-15

year

PAY

to the order of

Rose Bates

\$ 292.00

Two-hundred ninety-two and ⁰⁰/₁₀₀ Dollars

2

Security
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BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.COM

For pd. in full transcript

Signature

James H. Jacobs

MP

⑈053101121⑈0005204906795⑈00119

Red Ink Only

000259

UCBI >061112843<
2015-03-13 1181073262

1181073262 2015-03-13

118
12 14703/13/15
Cashed Check With Fee
Amount

15:48
\$292.00

Heavenly Notes

000260

JAMES H JACOBS
PM. 704-884-7682
3417 DRIFTWOOD DR
GASTONIA, NC 28053-9324

111

20-112831

2-16-15

Date

PAY to the order of Rose Gates \$ 100.00
One hundred and 00/100 Dollars



BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.COM

For Transcript of Estate of Ed Wallace
Signature: [Signature] Susan Gates

⑆053101121⑆0005204906795⑆00111

00026

Rece. Studio

21

FOR DEPOSIT ONLY
STATE EMPLOYEES CREDIT U.N.C.
NEWLAND-204-TELEX # F003

000262



All Professionals Litigation Support Team, Inc.
6307 Amie Lane · Pearland, TX 77584-2601
Phone (713) 637-8864 · www.aplst.com

Federal ID 84-1651288
Terms Net 30 Days

February 22, 2017

Susan Gail Wallace Jacobs
3417 Driftwood Drive
Gastonia, NC 28056

Invoice No. 17-1798

Date	Service	Pages	Rate	Amount
	Job Ref. United States Bankruptcy Court Western District of North Carolina Case No. 15-3182 (Gray Layton et al v. Susan G.W. Jacobs)			
02/22/17	Transcriber and proofread 02/15/17 hearing	50	4.85	242.50
	Payment received, card ending 0349			-242.50

Please pay this amount

\$ Paid
=====



000263